



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-5171



February 6, 2003

LETTER OF DEFICIENCY #WSEB 03-016
Certified Mail# 7099 3400 0003 0691 1536

Dave Albert
River Road Business Bay Condo Assoc
29 River Road
Box 10
Bow, NH 03304

Subject: Bow - Public Water System: River Road Business Bay (EPA #0266230)

Dear Mr. Albert:

The records of the Department of Environmental Services (DES) show that the River Road Business Bay water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days a year. As such, the PWS owner is required to submit chemical samples according to the system's established sampling schedule to the State Laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

DES records show that the PWS has **exceeded the maximum contaminant level (MCL) for Arsenic** of 0.05 mg/L, as defined in Env-Ws 316.01. The Q3-2002 sample result for the referenced system was 0.074 mg/L. As a result a violation has occurred for the following compliance period:

Third Quarter (Q3) of 2002

DES believes the MCL violation can be corrected and future violations prevented by taking the following actions:

1. **Immediately** begin providing appropriate alternate (*i.e.* bottled) water at areas accessible to consumers until the violation is corrected. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389; and
2. **By March 3, 2003**, send written confirmation to DES that alternate water is being provided to consumers; and

3. **By March 3, 2003**, provide public notice to all consumers following the guidelines in the enclosed public notice handout. Provide proof of public notice to this office within 10 days of issuing the public notice. Continue providing public notice **each calendar quarter** for as long as the exceedence occurs; and
4. **By March 3, 2003**, retain the services of a qualified consultant to address the water quality violation and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data prior to making recommendations for correcting the MCL violation; and
5. **By April 2, 2003**, submit to DES for approval the consultant's report, which shall contain the consultant's recommendations, along with an implementation schedule to correct the MCL violation. The report may include increased sampling in lieu of immediate treatment provided alternate water is provided. A maintenance schedule must be included if treatment is proposed. DES must approve the consultant's report/recommendations, the maintenance schedule, and the proposed implementation schedule prior to any work being done on the system; and
6. By the DES-approved correction date, correct the violation or install treatment as approved by DES. Notify DES in writing of the correction(s) taken; and
7. Sample in accordance with your new Master Sampling Schedule which is enclosed. **(Please note you must now submit quarterly Arsenic samples.)**

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The written report as requested above should be addressed as follows:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

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Please contact Selina J. Makofsky by phone at (603) 271-4109 or email at smakofsky@des.state.nh.us or Alan Leach by phone at (603) 271-2854 or email at aleach@des.state.nh.us should you have any questions about the requirements listed in this letter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Anthony P. Grunta', is written over the word 'COPY'.

Anthony P. Grunta, P.G., Administrator
Water Supply Engineering Bureau

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- Enc. Master Sampling Schedule
Arsenic Public Notice Template MCL Violation
Arsenic Fact Sheet
- cc: Gretchen Rule, DES Legal Unit (w/o enc.)
Ethan V. Howard, Jr., MD, Town of Bow Health Officer (w/o enc.)
Dave Gordon, DHHS Health Risk Assessment Bureau (w/o enc.)
Julie Short, Primary Contact (w/enc.)
Shannon Morin, Primary Operator (w/enc.)
US EPA Region 1 (w/o enc.)